



724065

**RESPONSE TO FREEDOM OF
INFORMATION ACT (FOIA) REQUEST**

FOIA — 96-246

RESPONSE TYPE

FINAL

☒

PARTIAL

(3rd)

DATE

OCT 16 1996

DOCKET NUMBER(S) (if applicable)

REQUESTER

James R. Tourtellotte

PART I.—AGENCY RECORDS RELEASED OR NOT LOCATED (See checked boxes)

No agency records subject to the request have been located.

No additional agency records subject to the request have been located.

Requested records are available through another public distribution program. See Comments section.

Agency records subject to the request that are identified in Appendix(es) _____ are already available for public inspection and copying at the NRC Public Document Room, 2120 L Street, N.W., Washington, DC.

☒ Agency records subject to the request that are identified in Appendix(es) A are being made available for public inspection and copying at the NRC Public Document Room, 2120 L Street, N.W., Washington, DC, in a folder under this FOIA number.

The nonproprietary version of the proposal(s) that you agreed to accept in a telephone conversation with a member of my staff is now being made available for public inspection and copying at the NRC Public Document Room, 2120 L Street, N.W., Washington, DC, in a folder under this FOIA number.

Agency records subject to the request that are identified in Appendix(es) _____ may be inspected and copied at the NRC Local Public Document Room identified in the Comments section.

Enclosed is information on how you may obtain access to and the charges for copying records located at the NRC Public Document Room, 2120 L Street, N.W., Washington, DC.

☒ Agency records subject to the request are enclosed. *

Records subject to the request have been referred to another Federal agency(ies) for review and direct response to you.

Fees

You will be billed by the NRC for fees totaling \$ _____

You will receive a refund from the NRC in the amount of \$ _____

In view of NRC's response to this request, no further action is being taken on appeal letter dated _____, No. _____

PART II. A—INFORMATION WITHHELD FROM PUBLIC DISCLOSURE

☒ Certain information in the requested records is being withheld from public disclosure pursuant to the exemptions described in and for the reasons stated in Part II, B, C, and D. Any released portions of the documents for which only part of the record is being withheld are being made available for public inspection and copying in the NRC Public Document Room, 2120 L Street, N.W., Washington, DC in a folder under this FOIA number.

COMMENTS

*Copies of the records identified on Appendix A and the releasable portions of the records identified on Appendix B are enclosed.

With regard to items 3, 4 and 5 of your request, the NRC has no documents subject to these items.

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FIA2

SIGNATURE, DIRECTOR, DIVISION OF FREEDOM OF INFORMATION AND PUBLICATIONS SERVICES

9610230224 961016
PDR FOIA
TOURTEL96-246 PDR

**RESPONSE TO FREEDOM OF
INFORMATION ACT (FOIA) REQUEST**
(CONTINUATION)

FOIA NUMBER(S)

FOIA — 96-246

DATE

OCT 1 8 1996

PART II B — APPLICABLE EXEMPTIONS

Records subject to the request that are described in the enclosed Appendix(es) B, C are being withheld in their entirety or in part under the Exemption No.(s) and for the reason(s) given below pursuant to 5 U.S.C. 552(b) and 10 CFR 9.17(a) of NRC regulations.

1. The withheld information is properly classified pursuant to Executive Order. (Exemption 1)

2. The withheld information relates solely to the internal personnel rules and procedures of NRC. (Exemption 2)

3. The withheld information is specifically exempted from public disclosure by statute indicated. (Exemption 3)

Sections 141-145 of the Atomic Energy Act, which prohibits the disclosure of Restricted Data or Formerly Restricted Data (42 U.S.C. 2161-2165).

Section 147 of the Atomic Energy Act, which prohibits the disclosure of Unclassified Safeguards Information (42 U.S.C. 2167).

4. The withheld information is a trade secret or commercial or financial information that is being withheld for the reason(s) indicated. (Exemption 4)

The information is considered to be confidential business (proprietary) information.

The information is considered to be proprietary information pursuant to 10 CFR 2.790(d)(1).

The information was submitted and received in confidence pursuant to 10 CFR 2.790(d)(2).

5. The withheld information consists of interagency or intraagency records that are not available through discovery during litigation. (Exemption 5). Applicable Privilege:

Deliberative Process. Disclosure of predecisional information would tend to inhibit the open and frank exchange of ideas essential to the deliberative process. Where records are withheld in their entirety, the facts are inextricably intertwined with the predecisional information. There also are no reasonably segregable factual portions because the release of the facts would permit an indirect inquiry into the predecisional process of the agency.

Attorney work product privilege. (Documents prepared by an attorney in contemplation of litigation.)

Attorney-client privilege. (Confidential communications between an attorney and his/her client.)

6. The withheld information is exempted from public disclosure because its disclosure would result in a clearly unwarranted invasion of personal privacy. (Exemption 6)

X 7. The withheld information consists of records compiled for law enforcement purposes and is being withheld for the reason(s) indicated. (Exemption 7)

Disclosure could reasonably be expected to interfere with an enforcement proceeding because it could reveal the scope, direction, and focus of enforcement efforts, and thus could possibly allow recipients to take action to shield potential wrongdoing or a violation of NRC requirements from investigators. (Exemption 7 (A))

X Disclosure would constitute an unwarranted invasion of personal privacy. (Exemption 7 (C))

The information consists of names of individuals and other information the disclosure of which could reasonably be expected to reveal identities of confidential sources. (Exemption 7 (D))

OTHER

PART II C — DENYING OFFICIALS

Pursuant to 10 CFR 9.25(b) and/or 9.25(c) of the U.S. Nuclear Regulatory Commission regulations, it has been determined that the information withheld is exempt from production or disclosure, and that its production or disclosure is contrary to the public interest. The persons responsible for the denial are those officials identified below as denying officials and the Director, Division of Freedom of Information and Publications Services, Office of Administration, for any denials that may be appealed to the Executive Director for Operations (EDO).

DENYING OFFICIAL	TITLE/OFFICE	RECORDS DENIED	APPELLATE OFFICIAL		
			EDO	SECRETARY	IG
Mr. Guy P. Caputo	Director, Office of Investigations	App B, C	X		

PART II D — APPEAL RIGHTS

The denial by each denying official identified in Part II C may be appealed to the Appellate Official identified there. Any such appeal must be made in writing within 30 days of receipt of this response. Appeals must be addressed, as appropriate, to the Executive Director for Operations, to the Secretary of the Commission, or to the Inspector General, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and should clearly state on the envelope and in the letter that it is an "Appeal from an Initial FOIA Decision."

APPENDIX A
(RECORDS RELEASED)

1. Exhibit 4 to ROI 4-95-022, Letter to NRC, Attn: Susan L. Greene, from B. Mowry, dated 06/01/93, Subject: License Renew: License No.: 30-23697-01E, Docket or Reference No: 030-30266, (7 pp)
2. Exhibit 5 to ROI 4-95-022, Letter, to NRC, Attn: Susan L. Greene, from K. Wilson, dated 11/28/94, Subject: License C#30--23697-01E, Reference #0303-30266, Innovative Weaponry, Inc. (2 pp)
3. Exhibit 7 to ROI 4-95-022, Letter, dated 02/20/95, to M. V. Federline, from David Gregor, Subject: appoication to Transfer License No. 30-23697-01E, with attachment, (16 pp)
4. Exhibit 10 to ROI 4-95-022, Facsimile to S. Green, from P. Wilson, dated 05/11/95, subject License, with attachments, (11 pp)
5. Exhibit 12 to ROI 4-95-022, IWI's Sales Brochure, (8 pp)
6. Exhibit 13 to ROI 4-95-022, OI:RIV Subpoena, dated 11/24/95, to Custodian of Records, Innovative Weaponry, Inc., (2 pp)
7. Exhibit 14 to ROI 4-95-022, OI List of IWI Sales of Nightsights, (42 pp)
8. Exhibit 15 to ROI 4-95-022, Letter, dated 02/01/96, to Herbert M. Jacobi, from E. L. Williamson, (1 p)
9. Exhibit 16 to ROI 4-95-022, Letter, dated 02/16/96, to E. L. Williamson, from David Gregor, (1 p)
10. Exhibit 17 to ROI 4-95-022, Sales Records from IWI to Heckler & Kock, dated June and July 1995, (6 pp)
11. Exhibit 18 to ROI 4-95-022, Sales Records from IWI to Millett, dated July and August 1995, (11 pp)
12. Exhibit 19 to ROI 4-95-022, IWI Work Order 12875 to MMC, shipped July 14, 1995, (1 p)
13. Exhibit 21 to ROI 4-95-022, Gunsight Drawings Provided by IWI, (8 pp)
14. Exhibit 22 to ROI 4-95-022, Model Products, Inc., Invoice 4656, dated 03/06/95, (1 p)
15. Exhibit 23 to ROI 4-95-022, New Mexico Possession License Number GS281-07, dated 12/16/94, (4 pp)

16. Exhibit 24 to ROI 4-95-022, IWI's request for New Mexico License Amendment, dated 06/14/95, (3 pp)
17. Exhibit 25 to ROI 4-95-022, IWI's Amended New Mexico Possession License Number GS281-07, dated July 24, 1995, (1 pp)
18. Exhibit 26 to ROI 4-95-022, Facsimile to V. VanCleave from Brian Pullen, dated 06/23/95, (2 pp)
19. Exhibit 27 to ROI 4-95-022, Facsimile to V. VanCleave from Brian Pullen, dated 06/27/95, (1 p)
20. Exhibit 28 to ROI 4-95-022, SRB Invoices Number SRB1260, SRB1276, SRB1341, and SRB1398, various dates, (4 pp)
21. Exhibit 29 o ROI 4-95-022, Ramrod Invoices Numbe 1001, 1003, and 1004, various dates, (5 pp)
22. Exhibit 30 to ROI 4-95-022, Facsimile from Ager to Gregor, dated 02/13/95, (2 pp)
23. Exhibit 31 to ROI 4-95-022, Letter, dated 07/05/95, to V. VanCleave, from P. Wilson, subject: Innovative Weaponry, Inc., License #30-23697-01E, (2 pp)
24. Exhibit 32 to ROI 4-95-022, Letter, dated 07/07, 95, to G. Greene, from David Gregor, Subject: Mail Control 021537, (7 pp)
25. Exhibit 33 to ROI 4-95-022, Letter, dated 07/17/95, to S. Green, from David Gregor, (1 p)
26. Exhibit 35, to ROI 4-95-022, Facsimile, dated 07/18/95 to S. Green, from David Gregor, with enclosure, (5 pp)
27. Exhibit 36 to ROI 4-95-022, Letter, dated 07/19/95, to Patricia Santiago from Bruce Casner, (2 pp)
28. Exhibit 39 to ROI 4-95-022, Fax, dated 07/24/95, to Patricia Santiago, from Brian Pullen, (4 pp)
29. Exhibit 41 to ROI 4-95-022, IWI Tritium Inventory Forms, various dates (5 pp)
30. Exhibit 43 to ROI 4-95-022, Letter, dated 01/22/96, to Donald Cool, from Bruce Casner, Subject: Answer to NRC Confirmatory Action Letter, 12/22/95, (6 pp)
31. Exhibit 44 to ROI 4-95-022, Report of Interview with Individual, dated 06/08/95, (1 p)

32. Exhibit 45 to ROI 4-95-022, Report of Interview with Individual, dated 06/08/95, (2 pp)
33. Exhibit 46 to ROI 4-95-022, Report of Interview with Individual, dated 06/08/95, (2 pp)
34. Exhibit 49 to ROI 4-95-022, Report of Interview with Individual, dated 07/24/95, (2 pp)
35. Exhibit 56 to ROI 4-95-022, Memorandum to File 4-95-022, from V. VanCleave, Subject: Telephone Conversation with Individual, dated 07/13/95, (2 pp)
36. Exhibit 57 to ROI 4-95-022, Memorandum to File 4-95-022, from V. VanCleave, Subject: Telephone Conversation with Individual, dated 07/17/95 (1 pp)
37. Exhibit 58 to ROI 4-95-022, Memorandum to File 4-95-022, from V. VanCleave, Subject: Telephone Conversation with Individual, dated 07/24/95 (1 pp)
38. Exhibit 59 to ROI 4-95-022, Report of Interview with Individual, dated 10/20/95, (2 pp)
39. Exhibit 60 to ROI 4-95-022, Report of Interview with Individual, dated 10/20/95, (2 pp)

APPENDIX B
(RECORDS WITHHELD IN PART)

1. Report of Investigation 4-95-022, dated 03/22/96 7(C), portions
Innovative Weaponry, Inc: Alleged Deliverate Violation
of License Conditions, (45 pp)
2. Exhibit 1 to ROI 4-95-022, Investigation Status Record, 7(C), portions
dated 03/09/95, (1 p)
3. Exhibit 50 to ROI 4-95-022, Report of Interview with 7(C), portions
Individual, dated 08/01/95, (3 pp)
4. Exhibit 51 to ROI 4-95-022, Transcript of Interview 7(C), portions
with Individual, dated 10/19/95, (40 pp)
5. Exhibit 52 to ROI 4-95-022, Transcript of Interview 7(C), portions
with Individual, dated 10/19/95, (106 pp)
6. Exhibit 53 to ROI 4-95-022, Transcript of Interview 7(C), portions
with Individual, dated 10/19/95, (140 pp)
7. Exhibit 54 to ROI 4-95-022, Telephone Conversation 7(C), portions
Memorandum, dated 06/23/95, (2 pp)
8. Exhibit 55 to ROI 4-95-022, Telephone Conversation 7(C), portions
memorandum, dated 06/30/95, (1 p)

APPENDIX C
(RECORDS WITHHELD IN THEIR ENTIRETY)

1. Exhibit 2 to ROI-4-95-022, Report of Interview with Individual, (3 pp) 7(C), entirety
2. Exhibit 47 to ROI 4-95-022, Memorandum to File (1 p) 7(C), entirety
3. Exhibit 48 to ROI 4-95-022, Memorandum to File (2 pp) 7(C), entirety